IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No: 16244 of 1997

Between:

M/s. Triton Laboratories Limited, Rep. by its Managing Director, Sri C.Krishna Prasad, Bonthapally Village,
Jinnaram Mandal, Medak District.

..... PETITIONER

AND

1 The A.P. State Electricity Board, Rep. by its Secretary,
Vidyut Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer (Elecl), Hyderabad Zone,
Mint Compound, Hyderabad.
3 The Superintending Engineer (Operation), A.P.S.E. Board,
Medak at Sangareddy, Medak District.
4 The Assistant Divisional Engineer, (Operation),
Gummudidala, A.P.S.E. Board, Medak District.
5 The Divisional Engineer (Electrical), D.P.E.,
A.P.S.E. Board, Sangareddy, Medak District.
6 The Senior Accounts Officer, Operation Circle,
Medak, A.P.S.E. Board, Medak at Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ particularly in the nature of Writ of Mandamus or other appropriate Order or direction declaring the impugned demand made by the 3rd Respondent in Letter No.SE/OP/MDK/SAO/HT/D.393/96 dt. 25.6.1996 as confirmed by the Third Respondent while revising the assessed amount from Rs.5,87,233/- to Rs.5,19,911.20 in his appellate order in appeal A6/1996 Medak Circle, Hyderabad Zone, enclosed to his letter No. CEE/HZ/SMRT/A.6/1996/D.No.1509/97 as illegal and set aside the same, and consequently direct the respondents to refund the amount of Rs.2,93,616.50 already paid by the petitioner declaring that the petitioner is entitled to refund of the same.

Counsel for the Petitioner: MR.B.V.RAMA MOHAN REDDY

Counsel for the Respondents: MR.M.SREERAMULU REDDY

The Court made the following:

ORAL ORDER:-

Heard Sri B.V. Rama Mohan Rao, learned counsel for the petitioner and also Sri M. Sreeram Reddy, learned standing counsel appearing on behalf of the respondents herein.

2. The issue in this Writ Petition pertains to the back billing in respect of certain aspects, made by the authorities during the inspection conducted by the 5th respondent herein, on 23.01.1996. A show-cause notice was issued on 09.04.1996 and final orders were passed and also the appeal filed by the petitioner was disposed of on 19.06.1997. However, having regard to the principles laid down by the Full Bench of this Court in ***KLAYMAN PROCELAIMS LIMITED, HYDERABAD AND OTHERS v SUPERINTENDING ENGINEER, OPERATION MAHABUBNAGAR CIRCLE, APSE BOARD, HYDERABAD AND OTHERS,*** wherein it is held that it is not the authorities who have to decide the case, but the remedy, in fact, lies with the Chief Electrical Inspector. Therefore, it is not necessary to go into the merits of the case.

3. Following the principles laid down in the said decision, the Writ Petition is allowed and all the impugned orders are set aside with liberty to the petitioner to approach the Chief Electrical Inspector and make a representation within a period of four weeks from today and on such representation, the same can be disposed of on merits, after giving notice and opportunity to the petitioner.

4. Accordingly, the Writ Petition is allowed. No costs.

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ES 24.02.2005

To

1 The Secretary, A.P. State Electricity Board,
Vidyut Soudha, Somajiguda, Hyderabad.
2 The Chief Engineer (Elecl), Hyderabad Zone,
Mint Compound, Hyderabad.
3 The Superintending Engineer (Operation), A.P.S.E. Board,
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